IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.372 OF 2006
IN
NOTICE OF MOTION NO.1195 OF 2003
IN
SUIT NO.1150 OF 2003

Vijetha D. Shenoy & Anr. ..Appellants/
(Orig.Plffs.)

Vs.

M/s.Allahabad Bank & Ors. ..Respondents.
(Orig.Defts.)

Mr.Satish Shetye with Mr.Sean Wassoodew for the Appellants.

Ms.Salna Ghaswala i/b.Bhambhwani & Co. for the Respondents.

CORAM: DR.S.RADHAKRISHNAN AND S.J.VAZIFDAR, JJ.
DATED: 2ND AUGUST, 2006

P.C. :

Heard the learned counsel for the Appellants and the learned counsel for the Respondents.

2. By this Appeal, the Appellant is challenging the order passed by the learned Single Judge dated 16.9.2005. After hearing the parties for some time, the learned counsel for Respondent No.1 bank states that in the event of Respondent No.1 adopting any execution proceedings or any coercive measures against the Appellant in respect of the suit flat, atleast four weeks prior notice in writing will be

given.

3. It is made clear that the Appellant will be entitled to raise all issues and contentions including the issue of nullity of the decree as well as whether there was a valid mortgage or not.

4. Liberty to apply to the learned Single Judge, if necessary.

5. Appeal stands disposed of accordingly.

(DR.S.RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)